

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

YANKEE ATOMIC)	
ELECTRIC COMPANY,)	
)	
)	
Plaintiffs,)	No. 17-676C
)	(Senior Judge Firestone)
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	

REQUEST FOR A STAY
IN LIGHT OF LAPSE OF APPROPRIATIONS

Defendant, the United States, respectfully moves for a stay of deadlines in this case between January 21, 2018, and the end of the lapse in appropriations to the Department of Justice. We respectfully request that the Court stay the case and the associated deadlines in light of the budgetary and statutory restrictions placed upon the Department of Justice.

At the end of the day on January 19, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most Executive agencies, including the agency involved in this case. The Department of Justice does not know when funding will be restored by Congress.

Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

Undersigned counsel for the Department of Justice therefore requests a stay of all deadlines in this case – including the joint status report due January 24, 2018, and status conference scheduled for January 29, 2018 – until Congress has restored appropriations to the Department.

If this request for stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby requests a stay in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

s/ Lisa L. Donahue
LISA L. DONAHUE
Assistant Director

/s Margaret J. Jantzen
Trial Attorney
Civil Division
Commercial Litigation Branch
Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20044
Tel.: (202) 353-7994

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Attorneys for Defendant